

REMARKS

Claims 1, 5-8, 10 and 11 are pending in this application. By this Amendment, claims 1, 5-8, and 10 are amended. The amendments introduce no new matter. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

I. Claim Interpretation

The Office Action, in section 3, states that "[w]hile features of an apparatus may be recited either structurally or functionally, claims directed to [an] apparatus must be distinguished from the prior art in terms of structure rather than function." The Office Action further asserts that "apparatus claims cover what a device is, not what it does." Applicant respectfully disagrees. Functional clauses that incorporate structural limitations, such as the functional language in claims 1, 5, 6, 8 and 11, have been recognized as proper structural claim language and cannot be disregarded.¹ With respect to claim 1, some structure must be read into the event data storage section in order for the event data storage section to store a time, a value of the data, and information about the data into the storage section. Therefore, the functional clauses used to describe the event data storage section must be given full weight and may not be disregarded in evaluating the patentability of the claims.² Applicant amends 1, 5-8, and 10 by replacing the functioned terminologies (...for ...-ing) with apparatus- type terminologies (...configured to...) to further emphasize the structural limitations.

¹ *Pac-Tec Inc. v. Amerace Corp.*, 903 F.2d 796, 801 (Fed. Cir. 1990), citing *In Re Venezia*, 530 F.2d 956 (CCPPA 1976)

² *Ex parte Bylund*, 217 USPQ 492, 498

II. Claim Rejections under 35 U.S.C. § 103

The Office Action, in section 4, rejects claims 1, 5, 6, 7 and 11 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,535,620 to Nichols in view of U.S. Patent No. 5,287,489 Nimmo et al. (hereinafter "Nimmo"). The Office Action, in paragraph 5, rejects claim 8 under 35 U.S.C. §103(a) as being unpatentable over Nichols in view of Nimmo and U.S. Patent No. 6,625,789 to Ara et al. (hereinafter "Ara"). The Office Action, in paragraph 6, rejects claim 10 under 35 U.S.C. §103(a) as being unpatentable over Nichols in view of Nimmo and U.S. Patent No. 5,794,005 to Steinman et al. (hereinafter "Steinman"). These rejections are respectfully traversed.

The Office Action concedes that Nichols does not teach (1) a storage section, (2) an event data storage section, and (3) an event playback section according to the combination of features recited in claim 1. Claims 5, 6, 8 and 11 recite similar features. To cure this deficiency, the Office Action applies Nimmo, and, with respect to claim 8, Ara. The Office Action summarily concludes that it would have been obvious to one of ordinary skill in the art to combine the allegedly corresponding features of the references in the manner suggested by the Office Action to render obvious the combinations of features recited in these claims. We believe that these assertions are incorrect for at least the following reasons.

The Office Action asserts that Nimmo teaches features that are considered to correspond to a storage section in Fig. 1, element 6, an event data storage section and method of setting event data at col. 4, lines 13-32 and col. 6, lines 27-58, and an event playback section at col. 5, lines 55-59. Further, with respect to the feature of a waiting time setting section, as recited in claim 5, the Office Action asserts that Nimmo teaches features that are considered to correspond to this feature at col. 5, lines 55-61. With respect to the feature of a playback number setting section, as recited in claim 6, the Office Action asserts that Nimmo teaches features that are considered to correspond to this feature at col. 5, lines 55-61. With

respect to the feature of the signal waveform editing section, as recited in claim 8, the Office Action asserts that Ara teaches features that are considered to correspond to this feature in Figs. 15 and 16 and at col. 6, lines 53-67. With respect to the feature of the text editor used to modify a simulation object that can be used for playback, as recited in claim 10, the Office Action asserts that Steinman teaches features that are considered to correspond to this feature in col. 8, lines 5-14.

Nimmo teaches an authoring tool which simplifies the authorizing and adding functions of a simulated training system (Abstract). With reference to Fig. 1, Nimmo teaches a removable media Winchester drive 36. Nimmo teaches that the authoring of the function of the courseware tool 10 supports previewing and defining procedural events by allowing an author to perform the events as he would on the actual vehicle hardware via an interface (col. 6, lines 29-33). Nimmo further teaches a playback function which allows a user to step to a current event, go to an event, review a last event, set a save point, review a current event, or set a delay (col. 5, lines 55-61).

Ara teaches a storage medium readable by a computer for storing circuit module interface information (Abstract). Ara further teaches a logic-circuit-searching system with a server that has a waveform editor program activated by a user and a web browser to enter a series of signals to the server (col. 16, lines 53-60).

Steinman teaches a synchronous parallel emulation and discrete event simulation system. Steinman further teaches a method of performing object-oriented simulation through a system having interconnected processor nodes operating in parallel to simulate mutual interactions of a set of discrete simulation objects (Abstract).

It is unreasonable to assert that Nimmo teaches features that can reasonably be considered to correspond to at least the event data storage section and event data playback section according to the combination of all of the features recited in the pending claims. The

Office Action broadly asserts that Nimmo's disclosure of defining procedural events can be considered to correspond to an event data storage section. However, as discussed above, Nimmo merely teaches defining a procedural event in the context of allowing an author to perform an event as he would on an actual vehicle. Nimmo does not disclose an event data storage section for storing into the storing section as event data, a time when a setting operation is carried out; a value of the data at that time; and information about the data, only when the setting operation of the data throughout the output data setting section is detected by a micro computer. In this regard, we believe that the Office Action fails to give weight to each of the specifically recited claim features. Further, we note that the Office Action does not apparently address the feature of wherein the event playback section starts playing back the setting operation automatically when predetermined data is detected, as recited in claim 1. We further believe that it is unreasonable to assert that Nimmo teaches this feature.

With respect to claims 5 and 6, although Nimmo does apparently teach setting a delay at col. 5, lines 58 and 59, Applicant believes that it is unreasonable to assert that Nimmo teaches the waiting time setting section and playback number setting section, recited in claims 5 and 6, respectively, according to the combinations of features recited in those claims.

The Office Action further asserts that Nichols, Nimmo, Ara and Stienman are combinable in the manner suggested by the Office Action. The Office Action broadly asserts that Nichols, Nimmo, Ara and Steinman are all analogous art allegedly because they all come from the field of simulation. The Office Action further asserts that the motivation for combining these references would be to provide an interactive tool for editing interactive simulation training systems, and, with respect to Nichols and Ara, to provide a simple method of generating stimulus signals to control the target of simulation based on, in the Examiner's opinion, personal knowledge that such methodology is well known in the art.

These assertions are respectfully traversed. Nichols teaches a system for testing an engine designed to be run under an engine management system in the engine control module (Abstract). In contrast, Nimmo teaches a training tool for producing, editing and testing procedural logic structure (col. 2, lines 22-34). Ara teaches a storage medium for recording definitions of interface specifications, information transmission data and an information presentation method (col. 2, lines 37-43). The Office Action's combination of these references is not supported in view of their divergent fields. The asserted motivation is conclusory and does not of establishing a rational underpinning, as required for establishing a *prima facie* case of obviousness.

III. Conclusion

For at least the foregoing reasons, the applied references cannot reasonably be considered to have suggested the combinations of all of the features recited in independent claims 1, 5, 6, 8 and 11. Additionally, claims 7 and 10 would also have been reasonably suggested by the applied references for at least the respective dependence of these claims, directly or indirectly, on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1, 5-8, 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over the applied references are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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